

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

CHRISTOPHER PRESTFIELD,

Plaintiff,

v.

GEORGE M. ZAKHARY,

Defendant.

No. 1:20-cv-01551-NONE-EPG (PC)

ORDER ADOPTING FINDINGS AND  
RECOMMENDATIONS

(Doc. Nos. 38 & 42)

Plaintiff Christopher M. Prestfield is a state prisoner proceeding *pro se* and *in forma pauperis* in this civil rights action pursuant to 42 U.S.C. § 1983. The matter was referred to a United States Magistrate Judge pursuant to 28 U.S.C. § 636(b)(1)(B) and Local Rule 302.

On November 19, 2021, the assigned magistrate judge issued findings and recommendations, recommending that defendant's motion for summary judgment be granted and that this action be dismissed without prejudice due to plaintiff's failure to exhaust his available administrative remedies before filing this action as is required. (Doc. No. 42).

The parties were provided an opportunity to file objections to the findings and recommendations. The deadline to file objections has passed and no objections have been filed.

In accordance with the provisions of 28 U.S.C. § 636(b)(1)(C), this court has conducted a *de novo* review of the case. Having carefully reviewed the entire file, the court concludes that

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1 the magistrate judge's findings and recommendations are supported by the record and by  
2 proper analysis.

3 Accordingly,

4 1. The findings and recommendations issued on November 19, 2021, (Doc. No. 42),  
5 are adopted in full; and

6 2. Defendant's motion for summary judgment (Doc. No. 38) is granted;

7 3. This action is dismissed without prejudice due to plaintiff's failure to exhaust his  
8 available administrative remedies prior to filing this action as is required; and

9 4. The Clerk of the Court is directed to assign a district judge to this matter prior to  
10 closure, and then close this case.

11  
12 IT IS SO ORDERED.

13 Dated: January 6, 2022

  
UNITED STATES DISTRICT JUDGE